

Senate, in order to conduct a hearing entitled "Electronic Prescribing of Controlled Substances: Addressing Health Care and Law Enforcement Priorities" on Tuesday, December 4, 2007, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

Witness List

Panel I: Joseph T. Rannazzisi, Deputy Assistant Administrator, Drug Enforcement Administration, Office of Diversion Control, Alexandria, VA and Tony Trenkle, Director, Office of E-Health Standards and Services, Centers for Medicare and Medicaid Services, Baltimore, MD;

Panel II: Laura Adams, President and CEO, Rhode Island Quality Institute, Providence, RI; Kevin Hutchinson, CEO, Sure Scripts, Alexandria, VA; David Miller, Chief Security Officer, Covisint, Detroit, MI; and Mike A. Podgurski, R.Ph., Vice President, Pharmacy Services, Rite Aid Corporation, Camp Hill, PA.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SALAZAR. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 4, 2007, at 9:30 a.m., in order to conduct a hearing entitled, "Credit Card Practices: Unfair Interest Rate Increases."

THE PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican Leader, pursuant to Public Law 100-696, announces the appointment of the Senator from Tennessee (Mr. ALEXANDER) as a member of the United States Capitol Preservation Commission, vice the Senator from Colorado (Mr. ALLARD).

WELCOMING FIRST MINISTER DR. IAN PAISLEY AND DEPUTY FIRST MINISTER MARTIN MCGUINNESS OF NORTHERN IRELAND

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 58 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 58) welcoming First Prime Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the concur-

rent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table en bloc, and any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 58) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 58

Whereas, on May 8, 2007, power was restored to the Assembly of Northern Ireland, opening a new chapter in the history of Northern Ireland;

Whereas Dr. Ian Paisley became First Minister and Martin McGuinness became Deputy First Minister of Northern Ireland;

Whereas Dr. Paisley and Mr. McGuinness have been working to solidify the peace agreement and to govern Northern Ireland effectively; and

Whereas Dr. Paisley and Mr. McGuinness are making their first trip together to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) welcomes First Minister Dr. Ian Paisley and Deputy First Minister Martin McGuinness of Northern Ireland to the United States;

(2) commends Dr. Paisley and Mr. McGuinness for showing the world that it is possible to rise above decades of bitter sectarian violence to achieve peace; and

(3) expresses hope that Northern Ireland will continue to be peaceful and stable in the future.

DECLARING OF A COMMERCIAL FISHERY FAILURE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 376 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 376) providing the sense of the Senate that the Secretary of Commerce should declare a commercial fishery failure for the groundfish fishery for Massachusetts, Maine, New Hampshire, and Rhode Island, and immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 376

Whereas the Secretary of Commerce may provide fishery disaster assistance under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) if the Secretary determines that there is a commercial fishery failure due to a fishery resource disaster as a result of natural causes, man-made causes beyond the control of fishery managers to mitigate through conservation and management measures, including regulatory restrictions imposed to protect human health or the marine environment, or undetermined causes;

Whereas the Secretary of Commerce has not proposed or promulgated regulations to implement such section 312(a);

Whereas during 2007, the Governors of each of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island requested that the Secretary of Commerce declare a commercial fishery failure for the groundfish fishery under such section 312(a) and the Governor of the State of New Hampshire has indicated his intention of submitting a similar request;

Whereas since 1996, the Secretary of Commerce has had regulations in place that require significant restrictions and reductions on the catch and days-at-sea of New England fishermen in the groundfish fishery;

Whereas New England fishermen in the groundfish fishery have endured additional restrictions and reductions under Framework 42, which has resulted in many fishermen having just 24 days to fish during a season;

Whereas Framework 42 and other Federal fishing restrictions have had a great impact on small-boat fishermen, many of whom cannot safely fish beyond the inshore areas;

Whereas, as of the date of the enactment of this Act, each day-at-sea a fisherman spends in an inshore area reduces that fisherman's number of available days-at-sea by 2 days;

Whereas the Commonwealth of Massachusetts has provided information to the Secretary of Commerce demonstrating that between 1994 and 2006, overall conditions of groundfish stocks have not improved and that spawning stock biomass is near record lows for most major groundfish stocks;

Whereas the Commonwealth of Maine has provided additional information to the Secretary that between 2005 and 2006, total Massachusetts commercial groundfish vessel revenues (landings) decreased by 18 percent and there was a loss for related industries and communities estimated at \$22,000,000;

Whereas the State of Maine has provided information to the Secretary of Commerce indicating that since 1994, the impact of groundfish regulations have eliminated 50 percent of Maine's groundfish fleet, leaving just 110 active groundfish fishermen;

Whereas the State of Maine has provided additional information to the Secretary indicating that between 1996 and 2006, there was a 58 percent drop in groundfish landings in Maine and a 45 percent drop in groundfish revenue from approximately \$27,000,000 to \$15,000,000 and that between 2005 and 2006, groundfish revenues decreased 25 percent;

Whereas the State of Rhode Island has provided information to the Secretary of Commerce indicating that, since 1994, there has been a 66 percent drop in Rhode Island's groundfish fishery landings and, between 1995 and 2007, groundfish revenue decreased 20 percent from approximately \$7,500,000 to \$6,000,000;

Whereas the Secretary of Commerce rejected requests from Massachusetts, Maine, and Rhode Island to declare a commercial fishery failure prior to establishing any appropriate standard to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act; and

Whereas for centuries, growth in New England's commercial fishing industry has been intertwined with the history and economic growth of the New England States and has created thousands of jobs in both fishing and fishing-related industries for generations of New England residents: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Secretary of Commerce should—

(1) reconsider the October 22, 2007 decision to deny the requests of the Commonwealth of Massachusetts, the State of Maine, and the State of Rhode Island for a groundfish fishery failure declaration;

(2) look favorably upon the request of the State of New Hampshire for a groundfish fishery failure declaration; and

(3) immediately propose regulations to implement section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)).

CREATING AND EXTENDING CERTAIN TEMPORARY DISTRICT COURT JUDGESHIPS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 172, S. 1327.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1327) to create and extend certain temporary district court judgeships.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, earlier this year I introduced a bipartisan measure to address the emerging staffing needs of the Federal Judiciary, our coequal branch of government. This bill responds to discrete situations in five States regarding temporary judgeships. In May, the Judiciary Committee voted unanimously to report this bill. It is now December. That is a delay of over 6 months. This sustained delay can be attributed to a "hold" by a single Republican Senator.

I am glad that this hold has finally been lifted so that we can proceed. I am delighted that this bipartisan bill has finally been approved after such a needless delay. Had it been cleared for consideration earlier, the House could have acted before the Thanksgiving recess and the matter could be law. Instead, our proposal still needs to be considered by the House and presented to the President in order to take effect.

In order to address fluctuations in a court's caseload, Congress can authorize a judgeship on a temporary basis. These temporary fixes do not undermine the independence that comes with lifetime appointment to the judiciary because the judges who fill them are, in fact, appointed for life, like all Federal judges. The positions are temporary in the sense that when they expire the next vacancy in the jurisdiction is not filled, and the extra judgeship expires.

Last Congress, two of these needed temporary judgeships were allowed to expire. That was regrettable. One was in Nebraska and the other in California. That was unfortunate since they continue to have high case loads. This legislation restores the status quo

in these busy districts by reauthorizing these two temporary judgeships. I know that Senators FEINSTEIN, BOXER, NELSON and HAGEL have been concerned about these caseloads, and thank them for working with me and for cosponsoring and supporting this bill to restore those judgeships.

In addition, temporary judgeships in three other districts are close to expiration. Caseloads in Ohio, Hawaii and Kansas remain at a high level, and allowing their temporary judgeships to lapse would put a serious strain on courts in those jurisdictions. This legislation would extend each of the five temporary judgeships for 10 years. This will allow Congress some flexibility with regard to future judgeship needs. Senator BROWNBACK has expressed his concerns about this to me, as has Mr. REGULA in the House. I thank Senators INOUE, AKAKA, ROBERTS, BROWNBACK, VOINOVICH and BROWN for cosponsoring and supporting this bill to extend those judgeships.

Next year, I will work with my colleagues on both sides of the aisle to address judgeship needs in a comprehensive way. Indeed, I have asked six Senators who are members of the Judiciary Committee, three Democratic Senators and three Republican Senators, to serve as a task force and report a proposal to Senator SPECTER and me before the end of the year. I have asked Senator SCHUMER and Senator SESSIONS to head this task force, and look forward to their report next month.

The five districts affected by this bill, however, cannot wait until next year for action on this extension or their temporary judgeships may well expire in the interim. This legislation will act as a "patch," allowing these districts to effectively operate until we are able to determine what additional judgeships are needed throughout the Federal judiciary.

The measure is supported by the Judicial Conference of the United States, and I thank my colleagues for moving this legislation.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements relating to the bill be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1327) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY JUDGESHIPS FOR DISTRICT COURTS.

(a) ADDITIONAL TEMPORARY JUDGESHIPS.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(A) 1 additional district judge for the eastern district of California; and

(B) 1 additional district judge for the district of Nebraska.

(2) VACANCIES NOT FILLED.—The first vacancy in the office of district judge in each of the offices of district judge authorized by this subsection, occurring 10 years or more after the confirmation date of the judge named to fill the temporary district judgeship created in the applicable district by this subsection, shall not be filled.

(b) EXTENSION OF CERTAIN TEMPORARY JUDGESHIPS.—Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101-650; 28 U.S.C. 133 note) is amended—

(1) in the second sentence, by inserting "the district of Hawaii," after "Pennsylvania,";

(2) in the third sentence (relating to the district of Kansas), by striking "16 years" and inserting "26 years";

(3) in the fifth sentence (relating to the northern district of Ohio), by striking "15 years" and inserting "25 years"; and

(4) by inserting "The first vacancy in the office of district judge in the district of Hawaii occurring 20 years or more after the confirmation date of the judge named to fill the temporary judgeship created under this subsection shall not be filled." after the sixth sentence.

EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2007

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 167, which is S. 863.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 863) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 863) was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007".

SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1040. Fraud in connection with major disaster or emergency benefits

"(a) Whoever, in a circumstance described

in subsection (b) of this section, knowingly—
 "(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,